

Appl. No. 10/632,669  
Response Dated March 24, 2005  
Reply to Office action dated January 24, 2005

### **REMARKS/ARGUMENTS**

Applicants have received and carefully reviewed the Office Action of the Examiner mailed January 24, 2005. Claims 1-17, 19 and 21-25 have been cancelled. Claim 18 has been amended to include the limitations of claim 19. No new matter has been added. Claims 18 and 20 are pending. Reconsideration and reexamination are respectfully requested.

In a telephone interview with the Examiner on March 22, 2005, the features of claims 18 and 19 were discussed as being distinguishing over the cited prior art. Applicants thank the Examiner for granting the interview and for reviewing a proposed amendment. The above amendment to the claims is identical to the proposed amendment.

#### **Rejection under 35 U.S.C. § 102(b)**

Claims 1, 2, 8, 14, 18-20, and 22-25 are rejected as being clearly anticipated by Japanese patent 297660 ('660). Applicants traverse the rejection for the reasons set forth in the response filed November 30, 2004, as well as for other reasons. However, to move this case along, and because we are after final, Applicants have elected to cancel claims 1, 2, 8, 14, 19, and 22-25. Applicants reserve the right to prosecute the cancelled claims in a subsequent continuing application.

Turning specifically to claim 18, as amended, the claim recites a method involving specific method steps including the steps of:

- causing the stepper motor to move a portion of the plurality of steps in a first direction to thereby move the vane from the first position to the second position; and
- causing the stepper motor to move a remaining portion of the plurality of steps in the first direction to thereby move the vane from the second position back to the first position.

The English translation of the Japanese patent does not appear to teach or suggest the above steps. As discussed during the interview, the Japanese patent appears to teach using the motor only to drive the valve from an open to a closed position, but uses a spring to move the valve from a closed to an open position.

Parker appears to disclose a pivoting damper, shown in FIG. 3, that would move in a first direction between open and closed and move in a second, reversed direction between closed and

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open. Independent claim 18, as amended, recites the stepper motor moving the vane from a first position to a second position and from the second position back to the first position, in the same direction. The vane is thus moved in a circular direction between open and closed positions. Neither the Japanese patent nor Parker appear to teach such method steps. Withdrawal of the rejection is respectfully requested.

### Rejection under 35 U.S.C. § 103

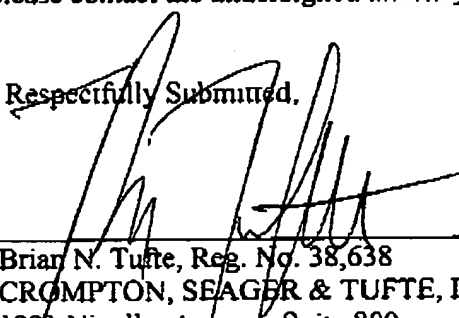
Claims 1, 2, 8, 13, 15, 16, and 23-25 are rejected as being unpatentable over Parker et al. in view of Japanese patent '660. Claims 3, 4, 9-12, 17, and 21 are rejected as being unpatentable over Parker et al. in view of the Japanese patent '660 as applied to claims 1, 2, 8, 13, 15, and 16, and further in view of Danby. Claims 5-7 are rejected as being unpatentable over Parker et al. in view of the Japanese patent as applied to claim 1, and further in view of McCabe.

Applicants do not concede the correctness of the rejections, however, in the interest of advancing prosecution, claims 1-13, 15-17, 21 and 23-25 have been cancelled, rendering the rejections moot. Applicants reserve the right to pursue the subject matter of these claims in a continuing application.

Reconsideration and reexamination are respectfully requested. It is submitted that, in light of the above remarks, pending claims 18 and 20 are now in condition for allowance. If a telephone interview would be of assistance, please contact the undersigned attorney at 612-359-9348.

Respectfully Submitted,

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